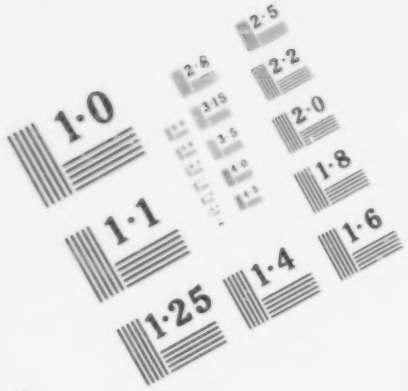

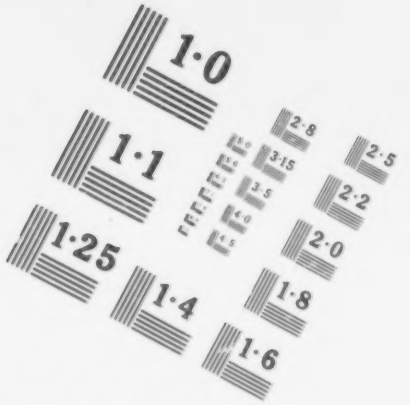

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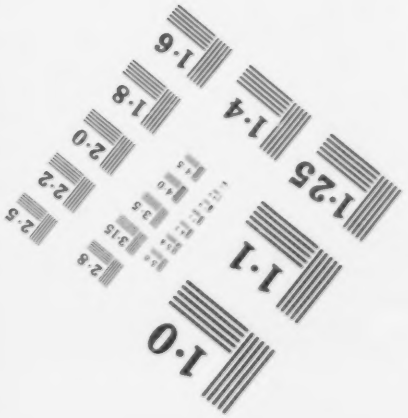

UNITED
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COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Fourth session

SUMMARY RECORD OF THE 26th MEETING

Held at the Palais des Nations, Geneva,
on Friday, 2 February 1990, at 10.30 a.m.

Chairman: Mr. BADAWI EL SHEIKH

CONTENTS

Report of the Committee to the Economic and Social Council (continued)

Closure of the session

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Any corrections to the records of the meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.90-15468/1735B

The meeting was called to order at 10.30 a.m.

REPORT OF THE COMMITTEE TO THE ECONOMIC AND SOCIAL COUNCIL (agenda item 9) (E/C.12/1990/CRP.1 and Add.1-13, CRP.2 and Add.1) (continued)

E/C.12/1990/CRP.1/Add.13

1. Document E/C.12/1990/CRP.1/Add.13 was adopted.

E/C.12/1990/CRP.1/Add.4

Paragraphs 1-5

2. Paragraphs 1-5 were adopted.

Paragraph 6

3. Mr. WIMER ZAMBRANO observed that in the fifth line of the paragraph, the correct figure was 9 per cent, not 6 per cent.

4. Paragaraph 6, as amended, was adopted.

Paragraph 7

5. Paragraph 7 was adopted.

Paragraphs 8 and 9

6. Mr. WIMER ZAMBRANO proposed that, in the sixth line of paragraph 8, of the Spanish version the words "de los EE.UU." should be deleted and that in the sixteenth line, the word "yugular" should be replaced by "controlar" or "evitar". He also asked that at the end of paragraph 9, "Instituto Indigena Nacional" should be replaced by "Instituto Nacional Indigenista", which was the official name of the agency in question.

7. Paragraphs 8 and 9 were adopted on that understanding.

Paragraph 10

8. Paragraph 10 was adopted.

Paragraph 11

9. Mr. WIMER ZAMBRANO asked that, in the Spanish version, the preposition "a" should be replaced by "para" in the eleventh line of the paragraph.

10. Mrs. JIMENEZ BUTRAGUEÑO said that she found the Spanish version lacking in clarity and accuracy. She had asked the representative of Mexico whether mothers were automatically reinstated in their jobs and the representative of the State party had clearly replied in the affirmative; the term "recuperar" was not accurate and should be replaced by "incorporarse a".

11. The CHAIRMAN said that the Secretariat would make the necessary correction.

12. Paragraph 11 was adopted on that understanding.

13. Mr. ALSTON, Rapporteur, proposed that, in order to save time, the members of the Committee should submit in writing to the Secretariat or to himself any minor corrections (such as spelling mistakes, etc.) that they wished to make to the text and that if they wished to amend a sentence they should formulate the proposed changes clearly instead of giving the reason for them.

Paragraphs 12-17

14. Paragraphs 12-17 were adopted.

Paragraph 18

15. Mr. WIMER ZAMBRANO noted that, in the penultimate sentence of the paragraph the production of staples in Mexico had been described as "sufficient" and that later on in the text it was stated that the national consumption deficit was being covered by agricultural food imports. The two statements were contradictory and the text should be amended to read "insufficient".

16. Paragraph 18, as amended, was adopted.

Paragraphs 19 and 20

17. Paragraphs 19 and 20 were adopted.

Paragraph 21

18. Mr. WIMER ZAMBRANO said his recollection was that the Committee had asked the representative of Mexico whether any "sanctions" had been adopted against undocumented immigrants. However, the draft report made reference only to "measures" taken.

19. The CHAIRMAN said that the Secretariat would take due note of that comment.

20. Paragraph 21 was adopted on that understanding.

Paragraphs 22-27

21. Paragraphs 22-27 were adopted.

Paragraph 28

22. Mr. KONATE, supported by the CHAIRMAN, proposed that the adjective "sound" in the second line should be replaced by "satisfactory".

23. Paragraph 28, as amended, was adopted.

24. Document E/C.12/1990/CRP.1/Add.4, as amended, was adopted.

READEX

E/C.12/1990/CRP.1/Add.6

Paragraphs 1-34

25. Paragraphs 1-34 were adopted.

Paragraph 35

26. Mr. SIMMA proposed that, in the first sentence, the expression "for having answered some of the questions raised" should be replaced by "for having answered the numerous questions raised".

27. Paragraph 35, as amended, was adopted.

28. Document E/C.12/1990/CRP.1/Add.6, as amended, was adopted.

E/C.12/1990/CRP.1/Add.7

Paragraphs 1-22

29. Paragraphs 1-22 were adopted.

Paragraph 23

30. Mrs. JIMENEZ BUTRAGUEÑO proposed that in the Spanish text "levantar un censo" should be replaced by "elaborar un censo".

31. Mr. WIMER ZAMBRANO thought that the verb "elaborar" was too vague and that "censar" would be preferable.

32. The CHAIRMAN said that the Secretariat would make the necessary correction.

33. Paragraph 23 was adopted on that understanding.

Paragraphs 26-42

34. Paragraphs 26-42 were adopted.

Paragraph 43

35. Mr. TEXIER felt that the wording "members of the Committee welcomed the information provided by the Government of Colombia" was inaccurate, since he for one had not found that information very satisfactory. Such an expression of satisfaction was, furthermore, unfair in comparison with the formula used in the concluding observations on the report of Jamaica (E/C.12/1990/CRP.1/Add.6, para. 35). He therefore asked the Committee to change the wording.

36. Mr. WIMER ZAMBRANO said that it would be useful for the Committee to establish a scale of standard formulas which it would use in its concluding observations to assess the information provided by States.

37. Mr. NENEMAN agreed with Mr. Texier.

38. Mr. ALSTON, Rapporteur, proposed that the text should be amended to read: "The members of the Committee thanked the Government of Colombia for the information provided".

39. It was so decided.

40. Document E/C.12/1990/CRP.1/Add.7, as amended, was adopted.

E/C.12/1990/CRP.1/Add.8 and Add.9

41. Mr. ALVAREZ VITA proposed that the two documents, which had just been distributed to members of the Committee, should be considered later.

42. It was so decided.

E/C.12/1990/CRP.1/Add.10

Paragraphs 1-21

43. Paragraphs 1-21 were adopted.

Paragraph 22

44. Mr. SIMMA proposed that the word "court" should be deleted.

45. Mr. ALVAREZ VITA said that he failed to grasp the meaning of the phrase as amended.

46. Mr. SIMMA suggested that the beginning of paragraph 22 should be worded to read: "Several members mentioned the possibility of adopting an Optional Protocol for the implementation of Covenant rights".

47. Mr. ALVAREZ VITA said that those amendments would be equivalent to a misrepresentation of the debate that had taken place.

48. Mr. ALSTON, Rapporteur, bearing in mind Mr. Simma's proposals and Mr. Alvarez Vita's comments, suggested that the beginning of paragraph 22 should be drafted in the following manner: "Several members mentioned the possibility of adopting an Optional Protocol providing a form of individual or group recourse for the vindication of the rights recognized in the Covenant". He also proposed that the end of the first sentence should be amended by replacing the expression "difficulties of all kinds" by "various difficulties".

49. It was so decided.

50. Paragraph 22, as amended, was adopted.

51. Document E/C.12/1990/CRP.1/Add.10, as amended, was adopted.

E/C.12/1990/CRP.1/Add.11

Paragraphs 1-4

52. Paragraphs 1-4 were adopted.

Paragraph 5

53. Mr. SIMMA proposed that the following subparagraph should be inserted after subparagraph 5 (d):

"(e) a suggested definition of the entitlements comprising the right to housing included:

(i) security of tenure

(ii) affordability

(iii) accessibility

(iv) habitability

(v) control and participation

(vi) choice

(vii) equality of access and non-discrimination

(viii) availability of legal remedies;".

54. Mr. KONATE asked what was meant by the phrase "control and participation".

55. Mr. SIMMA explained that it meant the participation of the public at large in taking decisions regarding matters of architecture, infrastructure, etc.

56. Mr. KONATE suggested that that sub-item should be worded more clearly.

57. The CHAIRMAN suggested that the Rapporteur should re-word sub-item (v) so as to reflect the idea of popular participation in housing policies and programmes.

58. It was so decided.

59. Mr. Simma's proposal was adopted on that understanding.

60. Mr. SIMMA also proposed that the following new subparagraph should be inserted after subparagraph (g).

"(h) the right to housing can be subject to violations. Acts and omissions constituting violations will need to be explored by the Committee, especially in the context of evictions".

61. It was so decided.

62. Mr. ALSTON, Rapporteur, noting that the representative of Habitat was present, said that he wished to place on record his deep disappointment that that agency had not contributed in any substantive or significant manner to the Committee's general discussion on housing. The representative of Habitat had neither responded to any of the comments by Committee members nor provided

the Committee with any information which could have assisted it in its work. He asked that his comments should be included in the summary record of the meeting and hoped that they would be conveyed to the relevant authorities.

63. He further proposed that the following phrase should be added to the end of subparagraph (b): "including qualitative aspects such as location and architecture as well as people's participation in the design and implementation of programmes". He also suggested that subparagraph (j) should be amended by inserting the words "in the development programmes" after the word "mistakes" in the first line, deleting the words "by mixing families" in the third line and replacing the penultimate phrase of the sentence by the following words: "inadequate place for food preparation or storage".

64. Mr. TEXIER said he feared that Mr. Alston's proposed addition to subparagraph (b) would duplicate the one proposed by Mr. Simma as they expressed the same ideas. He therefore suggested that the two texts should be harmonized.

65. Mr. NENEMAN said that, while he did not really object to Mr. Alston's proposed amendment to subparagraph (j), he regretted the deletion of the phrases "by mixing families" and "tiny kitchens preventing customary collective eating and social gathering" because they reflected very real problems in a number of societies.

66. Mr. KONATE proposed that subparagraph (j) should be worded in more general terms, for example: "among mistakes which add to the already difficult problems of housing is the frequent failure of architecture to respect the traditions, customs and needs of the population".

67. The CHAIRMAN suggested that the Committee should adopt Mr. Alston's proposed amendment to subparagraph (b) and request him, with Mr. Konate's assistance, to draft a more general text that reflected everyone's concerns and addressed housing problems in the different societies.

68. It was so decided.

69. Paragraph 5, as amended, was adopted on that understanding.

70. Document E/C.12/1990/CRP.1/Add.11, as amended, was adopted.

71. Mr. LUGVIGSEN (United Nations Centre for Human Settlements (Habitat)), replying to Mr. Alston's comments, recalled that the body he represented had been invited to participate in the Committee's session but it was not a member and could not therefore contribute to the work in the same way as the experts, who were members. Most of the questions raised during the general debate on article 11, had not been addressed directly to Habitat but had been intended, above all, to stimulate the discussion.

72. The role to be played by the Commission on Human Settlements and Habitat in monitoring the housing situation, had been clearly specified in the Global Strategy for Shelter to the Year 2000. The General Assembly in its resolution 43/181 had given the Commission responsibility for co-ordinating, evaluating and monitoring that Strategy and had requested Habitat to co-ordinate and follow up the activities and programmes undertaken as part of the Strategy by other organizations and competent United Nations bodies.

73. The question of whether Habitat and the Commission on Human Settlements were qualified to perform those duties and whether the Committee could rely on them or whether other means should be devised to monitor housing trends had also been raised during the debate but he had not thought any comment necessary because he had suspected that the matter had political overtones. In his opinion, it was clear from General Assembly resolution 43/181 that Habitat, under the Commission's supervision, was to act as the monitoring body. Any further explanation would therefore have been superfluous.

74. The CHAIRMAN recalled that one of the Committee's main concerns was to co-operate closely with all the other competent United Nations agencies and bodies. He therefore hoped that, at the next session, Habitat would participate in and contribute actively to the Committee's work.

E/C.12/1990/CRP.1/Add.12

Paragraphs 1-7

75. Paragraphs 1-7 were adopted.

Paragraph 8

76. Mr. SIMMA asked what amendments the Rapporteur wished to suggest to the Committee's provisional rules of procedure.

77. Mr. ALSTON, Rapporteur, proposed that the text of rule 68 should be amended to reflect the Committee's practice by deleting the adjective "general" in the third line and replacing the words "at the end of" by "during".

78. It was so decided.

79. Paragraph 8 was adopted.

Paragraphs 9-21

80. Paragraphs 9-21 were adopted.

Paragraph 22

81. Mr. KOUZNETSOV said he was pleased with the Rapporteur's wording of the paragraph, which was very important.

82. Paragraph 22 was adopted.

Paragraphs 23 and 24

83. Paragraphs 23 and 24 were adopted.

84. Document E/C.12/1990/CRP.1/Add.12 was adopted.

85. Mr. ALSTON, Rapporteur, recalled that, as stated in paragraph 10 of the document, the Committee had decided to recommend that its report to the Economic and Social Council should be presented by one of its members. That type of recommendation should normally have been the subject of a draft

decision. However, that procedure could not be applied in the present case, because the draft decision would only be submitted to the Economic and Social Council at its next session and by then it would be too late to invite any of the Committee members to participate in the Council's work.

86. He therefore proposed that the Committee should request the Chairman to inform the Economic and Social Council of the Committee's wish by letter as soon as possible. The text of the letter could be included in an annex to the report.

87. It was so decided.

88. The CHAIRMAN announced that the Committee had received letters from the Committee on the Elimination of Discrimination against Women and the Committee on the Elimination of Racial Discrimination informing it of decisions they had taken. He proposed to reply to them on behalf of the Committee to inform them of the work it had done and the decisions it had taken.

89. It was so decided.

E/C.12/1990/CRP.2 and Add.1

90. Documents E/C.12/1990/CRP.2 and Add.1 were adopted.

The meeting was suspended at 12.15 p.m. and resumed at 12.30 p.m.

E/C.12/1990/CRP.1/Add.8

Paragraphs 1-21

91. Paragraphs 1-21 were adopted.

Paragraph 22

92. Mr. SIMMA proposed that the phrase beginning with the words "although it was regretted that" should be deleted from the third sentence. The representative of India had had very little time to provide the relevant statistical information, and the Committee could not therefore hold him responsible for the fact that the information had been available only in English.

93. Paragraph 22, as amended, was adopted.

Paragraph 23

94. Paragraph 23 was adopted.

95. Document E/C.12/1990/CRP.1/Add.8, as amended, was adopted.

E/C.12/1990/CRP.1/Add.9

Paragraphs 1-18

96. Paragraphs 1-18 were adopted.

Paragraph 19

97. Mr. SIMMA said that the third sentence in paragraph 19 should not have been drafted in such a way as to establish a link of cause and effect between two unrelated subjects. He recalled that his question had dealt with freedom of expression and the role of the press and asked the Rapporteur to amend the sentence on the basis of the summary record of the meeting, which reflected his comments on the subject very accurately.

98. Paragraph 19 was adopted on that understanding.

Paragraph 20

99. Mr. TEXIER felt that the reference to a State religion should be deleted from the penultimate line, because the representative of Argentina had said that there was no State religion in her country.

100. The CHAIRMAN said that the Rapporteur would take the necessary action if the summary record of the meeting showed that such was indeed the case.

101. Paragraph 20 was adopted on that understanding.

102. Document E/C.12/1990/CRP.1/Add.9, as amended, was adopted.

103. The report of the Committee to the Economic and Social Council, as amended, was adopted.

104. Mr. GLAIEL said that he reserved the right to comment on the Arabic version of the report, which had not been circulated.

105. Mr. SIMMA said that he would like to have an idea of the number of reports that would be considered by the pre-sessional Working Group at its next meeting.

106. Mr. TIKHONOV (Secretary of the Committee) read out the list of the 21 pending reports received so far from States parties.

CLOSURE OF THE SESSION

107. The CHAIRMAN thanked the Rapporteur and all the experts for their contribution to the work of the Committee. He noted that once again a spirit of friendship and co-operation had prevailed and that each Committee member had shown a firm commitment to the cause of human rights.

108. After an exchange of courtesies, he declared the session closed.

The meeting rose at 1 p.m.

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E/C.12/1990/SR.27
29 November 1990

Original: ENGLISH

COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Fifth session

SUMMARY RECORD OF THE 27th MEETING IN 1990

Held at the Palais des Nations, Geneva,
on Monday, 26 November 1990, at 10.30 a.m.

Temporary Chairman: Mr. HOUSHMAND (Representative of the Secretary-General)

Chairman: Mr. KOUZNETSOV

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Opening of the session

Election of officers

Adoption of the agenda

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GE.90-18532/5044a

The meeting was called to order at 11.15 a.m.

OPENING OF THE SESSION (item 1 of the provisional agenda)

1. The TEMPORARY CHAIRMAN declared open the fifth session of the Committee and welcomed members on behalf of Mr. Martenson, Under-Secretary-General for Human Rights, who would address the Committee later in the week upon his return from the forty-fifth session of the General Assembly in New York.

2. He congratulated the members who had been re-elected to the Committee by the Economic and Social Council, and paid a tribute to the three outgoing members: Mr. Badawi El Sheikh, who had chaired the Committee since its inception, Mr. Glaiel and Ms. Tava.

3. At its first regular session in 1990 the Economic and Social Council had taken action on the two draft decisions which the Committee, at its fourth session, had recommended for adoption. It had approved the Committee's provisional rules of procedure, as adopted at the Committee's third session and amended at its fourth session, and approved the convening of the meetings of the Committee's pre-sessional working group one to three months in advance of the Committee's regular sessions, which would enable the Secretariat to transmit the lists of issues relating to the Committee's consideration of reports from the States parties concerned well in advance. Pursuant to that decision the necessary arrangements had been made for the pre-sessional working group to meet from 8 to 12 October 1990. Furthermore, the Council had approved the recommendations of the Task Force on Computerization relating to the work of the treaty monitoring bodies and requested the Secretary-General to include the annual recurrent costs of the system in the United Nations programme budget for the 1992-1993 biennium. However, the establishment of the system would depend on the receipt of voluntary contributions to cover the one-time initial cost of installing a data-base. It was hoped that, subject to early receipt of such contributions, the system would be operational within two years.

4. The Council had also decided to enlarge the membership of the Commission on Human Rights, as from its forty-eighth session in 1992, from 43 to 53 States. All 10 of the additional seats would be reserved for the countries of Africa, Asia, Latin America and the Caribbean which, it had long been felt, were under-represented in the Commission.

5. The Convention on the Rights of the Child, which had been opened for signature in January 1990, had received the necessary minimum 20 ratifications by 2 August and had entered into force on 2 September 1990. To date the Convention had received a total of 130 signatures and 56 States had already ratified or acceded to it. That represented a welcome development for the Committee in view of the direct relationship between the Convention on the Rights of the Child and the implementation of the International Covenant on Economic, Social and Cultural Rights. The first meeting of States parties to the new Convention was scheduled for 27 February 1991 and it was expected that the Committee on the Rights of the Child would become operational by no later than the middle of that year.

6. The speedy ratification of the Convention and the recent World Summit for Children signalled an upsurge in support for action to improve respect for children's rights. Undoubtedly the next 10 years would provide a unique

opportunity for turning the relevant international legal norms of the Convention into living reality for children all over the world. The Committee would doubtless in due course wish to establish an ongoing working relationship with the Committee on the Rights of the Child, in particular in the context of the relevant provisions of the Covenant.

7. The third meeting of persons chairing human rights treaty bodies had been held in Geneva in early October 1990. Mr. Alston, Chairman/Rapporteur of the meeting, would undoubtedly wish to inform the Committee of the deliberations of the meeting in detail. The Third Committee of the General Assembly had just concluded its consideration of the relevant report (document A/45/636) in the context of the agenda item relating to "Effective implementation of international instruments on human rights and effective functioning of bodies established pursuant to such instruments". The Assembly was expected to endorse the conclusions and recommendations of the meeting of chairpersons in a draft resolution, and the Secretary-General would keep the Committee informed of the final action taken.

ELECTION OF OFFICERS (item 2 of the provisional agenda)

8. Mr. NENEMAN nominated Mr. Kouznetsov for the office of Chairman, Mr. Fofana, Mr. Sparsis and Mr. Wimer Zambrano for the office of Vice-Cairman, and Mr. Alston for the office of Rapporteur.

9. Mr. SIMMA seconded those nominations.

10. Mr. Kouznetsov was elected Chairman.

11. Mr. Fofana, Mr. Sparsis and Mr. Wimer Zambrano were elected Vice-Chairmen.

12. Mr. Alston was elected Rapporteur.

13. Mr. Kouznetsov took the Chair.

14. The CHAIRMAN thanked the members of the Committee for electing him and said he was sure that he could count on their assistance in carrying out his task.

ADOPTION OF THE AGENDA (item 3 of the provisional agenda) (E/C.12/1990/6)

15. The agenda was adopted.

ORGANIZATION OF WORK (agenda item 4) (E/C.12/1990/L.3)

16. The CHAIRMAN announced that the Governments of Afghanistan, the Islamic Republic of Iran, the Democratic People's Republic of Korea and Yemen had informed the Secretary-General that they would be unable to present their reports at the current session and had requested that the Committee should postpone consideration of those reports until its next session.

17. Mr. ALSTON asked whether the relevant reports had been scheduled for consideration by the Committee at previous sessions and when the Secretariat had been informed that those reports would not be presented.

18. Mr. TIKHONOV (Secretary of the Committee) said that the current session was the first at which the reports of the Democratic People's Republic of Korea and Yemen had been scheduled for consideration by the Committee. The report of the Islamic Republic of Iran had first been scheduled for consideration at the Committee's third session and that of Afghanistan at the Committee's first session.

19. The corresponding notifications were dated 3 October 1990 in the case of the Democratic People's Republic of Korea and 16 October 1990 in the case of Afghanistan. Yemen had informed the Secretariat of its decision one week previously and the Islamic Republic of Iran earlier that morning.

20. Mr. SIMMA drew attention to the statement in paragraph 306 of the Committee's report on its fourth session (E/1990/23) according to which "To the greatest extent possible, last-minute withdrawals should be avoided".

21. He also quoted paragraph 307 of that report, which read: "The Committee indicated that in future it might be compelled to follow a procedure similar to that already used by the Human Rights Committee in cases of repeated non-appearance by a State party. Accordingly it might decide, on the third occasion that the same State party's report was scheduled for consideration, to proceed with the examination of the report even in the absence of the State party representative. An exception might be made in this regard if the Committee considered that the non-appearance was due to factors beyond the control of the State party."

22. He therefore suggested that the Committee should consider dealing with the relevant reports even in the absence of representatives of the States concerned.

23. Mr. ALSTON said he fully endorsed Mr. Simma's suggestion. It was imperative that the Committee should signal to States that the submission of reports was a solemn duty and that deferral of their consideration was possible only in exceptional circumstances. The Committee was now at a crossroads. If it were to give States the impression that they could postpone submission of their reports indefinitely - for whatever reasons and because of whatever difficulties - it would open the door to laxity, not only in the Committee's work but in the entire chain of human rights treaty bodies. Without proceeding in an adversarial fashion it should take a firm stand: for example, it could note with considerable regret the inability of a State to be represented during the consideration of its report, and announce that it would nevertheless take that report up.

24. Mr. NENEMAN agreed with the previous two speakers on the need to make it clear to States parties that the Committee would brook no departure from the reporting procedures, unless there was a very good reason for it. Some States that had ratified the Covenant had never reported at all, however, and their behaviour was even less acceptable than that of Governments which submitted reports yet failed to send representatives to facilitate their consideration by the Committee. Of the four countries requesting postponement, one, Yemen, had a good reason for doing so, as the country's recent unification created practical difficulties for fulfilment of its reporting obligations. He agreed that the Committee should apply the procedure outlined in paragraph 307 of its report on its fourth session to the Governments of Afghanistan and the Islamic Republic of Iran, but would suggest that, in conveying its decision, it should

give those Governments the opportunity to provide a fuller explanation for their failure to send representatives to the Committee for its discussion of their reports. The Committee must bear in mind that it was about to establish a precedent for the procedure to be followed in case of non-appearance by representatives of States parties for discussion of reports.

25. Mr. RATTRAY said the Committee must not allow itself to be paralysed by the failure of States to co-operate in the reporting procedure. It must establish a practice to be used in all such situations in future. He would be reluctant, however, to apply the procedure described in paragraph 307 of document E/1990/23 at the current session. It would be preferable to indicate that the Committee intended to adopt that procedure at its forthcoming sessions. He agreed with Mr. Neneman that the States concerned should be invited to give fuller explanations for their failure to send representatives to the current session.

26. Mr. WIMER ZAMBRANO stressed the need to adopt measures to prevent States from postponing the consideration of their reports indefinitely, but also endorsed the suggestion that States should be notified in advance before such measures were applied. He would advocate informing the relevant Governments that the Committee would comply with their requests for postponement at the current session only, and that in future it would take up their reports, even if no representative of the country was present.

27. Mr. SIMMA said the requirement to report periodically to the Committee was a substantive treaty obligation on a par with those set out in articles 6-15 of the Covenant. There had been a clear consensus at the Committee's fourth session that it should consider the reports by Afghanistan and the Islamic Republic of Iran, even if representatives of those countries were not present. Paragraph 307 of the Committee's previous report cited the practice of the Human Rights Committee, which took up a country's periodic report on the third occasion when a representative of that country failed to appear before the Committee.

28. Mr. MRATCHKOV said the Committee worked on the basis of dialogue, the most important part of which was the discussion of a country's report by Committee members. The introduction of the report by the representative of a State party and that representative's response to the Committee's comments and questions were also extremely important parts of that dialogue, however, and their absence would undoubtedly have a serious impact. States parties should be informed that, in future, their reports would be considered as scheduled, even if they sent no representatives to appear before the Committee, but he was not convinced that that procedure should be applied at the current session, before the Governments concerned had been informed of it.

29. Mr. TEXIER said that the most serious manifestation of lack of respect for the implementation of the Covenant was non-ratification of that instrument. Next was the failure to comply with reporting obligations and to enter into a dialogue with the Committee. The Committee's credibility would be impaired if it continued to do and say nothing about the responsibility of Governments which failed to submit reports. On the latter point, the Committee could give notice that it might proceed with the examination of a State party's report even in the absence of a country representative.

30. He noted that the report of Afghanistan (E/1984/6/Add.12), for instance, had been drafted a long time previously and said that there was no point in the Committee considering reports which did not reflect the current situation in the country concerned.

31. Mr. GLAIEL recalled that, at its previous session, the Committee had considered the possibility of examining the reports of States parties in the absence of their representatives but that no decision had been taken in that regard. The Committee should take a clear decision at its current session to adopt the procedure indicated in paragraph 307 of document E/1990/23 with a view to implementing that decision at its forthcoming sessions.

32. Mrs. JIMENEZ BUTRAGUENO suggested that the Committee might call on Afghanistan and the Democratic People's Republic of Korea to submit more up-to-date information, since much had happened in those countries since the submission of their reports.

33. She stressed that the Committee could not accept a situation in which consideration of reports was repeatedly postponed because of the failure of States parties to send representatives to appear before it.

34. Mr. MUTERAHEJURU said he did not think it would be helpful for the Committee to discuss the reports of States parties in the absence of their representatives. In appropriate cases, the Committee might call on States to submit additional information. A more serious problem which should be addressed by the Committee was what should be done about States which had ratified the Covenant but had not yet submitted a report.

35. Mr. SPARSIS said that, while recognizing the usefulness of dialogue, he thought that the Committee should examine the question of what action should be taken when a State proved uncooperative. In that connection, he recalled that in the International Labour Organisation, States which failed to comply with their reporting obligations under a convention were placed on a list which was presented to the International Labour Conference. While he was not suggesting that the Committee should follow that practice, he thought that it would be useful to remind States of the commitments they had undertaken in ratifying the Covenant. If States parties did not send representatives to present their reports to the Committee, it should examine those reports in their absence in a spirit of understanding and express the hope that such representatives would appear before the Committee on the occasion of the next report and enter into a dialogue with it.

36. Mr. ALSTON stressed that the Committee's primary task was to defend human rights against world-wide violations.

37. It seemed that the Committee was unwilling to take any State to task except for the wealthy industrial countries which, for the most part, made great efforts to assign representatives to appear before the Committee, whom the Committee then questioned closely in a manner which sometimes seemed to challenge the commitment of the State concerned to respect the Covenant. When it came to other States which did not send a delegation to the Committee or failed to submit reports, the Committee took refuge in discussions as to whether the country concerned might be put on notice that the Committee might wish to consider holding it to its obligations.

38. The procedure set forth in paragraph 307 of document E/1990/23 was quite clear and had already been applied for some years by the Human Rights Committee. The Committee must adopt a decision at its current session, stating that in future it would act in accordance with that procedure.

39. He agreed with those members who thought that the Committee should take still stronger action in the case of States which had not submitted any report at all and make clear the seriousness with which it viewed that omission.

40. Mr. SIMMA said that States parties should not feel that the Committee's attitude towards their reports would be dictated by whether or not they sent representatives. It was still possible for the Committee to engage in a constructive dialogue with the States concerned since their views were set out in their report. It was true that paragraph 28 of the Committee's most recent report (E/1990/23) stated that representatives of the reporting States were entitled and indeed strongly encouraged to be present, but their non-appearance did not frustrate the usual process of examining reports, it merely called for a modification of the procedure. Admittedly, the reports from Afghanistan and Iran could not be regarded as topical in view of the profound political changes which had occurred in both countries since they had been written. However, the Committee could adopt a non-adversarial approach which might encourage the Governments concerned to provide more up-to-date information about conditions. He would urge the Committee to decide forthwith on an appropriate procedure for examining reports in the absence of representatives of the reporting State and then apply it immediately. There was no need to give States parties further warning: it should be assumed that Governments had read paragraphs 306 and 307 of document E/1990/23. He added that he would support a firmly worded approach to Luxembourg, which had submitted a very inadequate report to the Committee at its previous session, and to Belgium, which had not submitted any report at all since acceding to the Covenant.

41. Mr. WIMER ZAMBRANO said he believed that members were in general agreement that the Committee should act firmly. The point at issue was, rather, whether the Committee should examine the reports from Afghanistan and the Islamic Republic of Iran immediately and adopt a rule subsequently or whether it should adopt a rule first and then implement it. The rule should be that proposed in paragraph 307 of document E/1990/23, namely that on the third occasion that the same State party's report was scheduled for consideration, the Committee would proceed to examine it even in the absence of the State party's representatives. If it was possible for the Committee to have a dialogue with such representatives, so much the better but the Committee's main task was to pass judgement on the reports themselves. The rule should be clearly stated and it would then be unnecessary to write any warning letters.

42. Mr. KONATE pointed out that the Committee had discussed the matter at its fourth session and had taken a decision which was recorded in paragraph 307 of its report (E/1990/23). The Committee must now apply the decision it had already taken. He therefore proposed that there should be no further discussion on the subject.

43. The CHAIRMAN suggested that, before the afternoon meeting, members of the Committee should give some thought to the relevance of rule 61 of its rules of procedure (E/C.12/1990/4).

The meeting rose at 1 p.m.

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COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Fifth session

SUMMARY RECORD OF THE 28th MEETING IN 1990

Held at the Palais des Nations, Geneva,
on Monday, 26 November 1990, at 3 p.m.

Chairman: Mr. KOUZNETSOV

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Organization of work (continued)

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GE.90-18551/8712A

The meeting was called to order at 3.25 p.m.

ORGANIZATION OF WORK (agenda item 4) (continued) (E/C.12/1990/L.3)

1. The CHAIRMAN invited Mr. Alston to report on the recent informal consultations concerning the problem of States that did not send representatives to present their reports.

2. Mr. ALSTON said that, on the basis of those consultations, he was in a position to make a three-point proposal. First of all, the Committee might adopt a decision which would read:

> "The Committee decides that on the third occasion that a State party's report is scheduled for consideration, it will, except in truly exceptional circumstances, proceed with the examination of the report whether or not a representative of the State party concerned is able to be present."

At its most recent session, the Committee had already indicated that such a decision might be taken. It could now go ahead and adopt the decision and include it in its Rules of Procedure. The Committee could then request the Secretariat to contact immediately any State party that might be concerned by that measure. Lastly, the Committee might examine, during the morning of Monday, 3 December, the question of what measures were to be taken with regard to the States parties concerned. The Committee would then be free to decide whether or not to examine the report of a State party in the light of the information available.

3. It was his impression that another State might not send a representative to present its report: that showed clearly that the time had come for the Committee to call on States to assume their responsibilities.

4. The CHAIRMAN said he had noted, during the informal consultations, that many experts had expressed the fear of a possible increase in the number of States which did not send a representative. One member of the Committee had even said that if that tendency continued, the day would come when States would no longer send representatives. The matter involved the future of the Committee, and he, as Chairman, shared the concern of other experts.

5. Mr. SIMMA supported Mr. Alston's proposal but suggested that the Committee should take a decision on the measures to be adopted on Friday, 30 November, instead of Monday, 3 December. The Committee would have all the necessary time to study the question on Friday, since it would not be examining the report of Yemen, which had been scheduled for that date.

6. Mr. MRATCHKOV endorsed Mr. Alston's proposal, as amended by Mr. Simma. He thought that it would be preferable to take a decision on the proposal in question on Friday afternoon so that the Missions of the countries concerned would have time to inform the competent services of the situation.

7. The CHAIRMAN said that, if there was no objection, he would take it that the Committee adopted Mr. Alston's proposal, as amended by Mr. Simma.

8. It was so decided.

9. The CHAIRMAN informed members that the representative of Luxembourg had expressed the wish to present his country's report on Thursday, 29 November, at 4 p.m. instead of 3 p.m., and that Panama had stated that it would be unable to present its report before the week beginning 3 December.

10. Mr. SIMMA expressed concern that the representative of Luxembourg might be unable to begin presenting his country's report before 4 p.m. on Thursday, 29 November. In his opinion, it was not a mere procedural question. Luxembourg was the first country to present a report on the Covenant as a whole; if it made use of only one third of the time allotted to it, that would not be sufficient.

11. The CHAIRMAN observed that the Committee could continue its consideration of the report by Luxembourg on Friday afternoon and Monday, since the report by Yemen would not be examined.

12. Mr. ALSTON stressed that Luxembourg had requested only a minor time change; an effort should be made to meet its request to the greatest extent possible. If the Committee did not have time to complete consideration of the report on Friday, the representative of Luxembourg would certainly have no objection to its continuing the examination on Monday morning.

13. Mr. SIMMA thought that the Committee already had a very heavy programme of work for the second week. Panama was to present its three reports, to which the Committee would probably devote an entire day. However, Monday was the only day the Committee had available to examine those reports.

14. The CHAIRMAN considered that the situation would be clearer at the end of the first week and that it would then be possible to decide on the procedure to be followed. He suggested that the Committee should examine its programme of work for the third week.

15. Mr. ALSTON, stressing the importance of the day which the Committee devoted at each of its sessions to a general discussion on one specific right or a particular article of the Covenant, observed that, at its fourth session, the Committee had not identified the topics on which the general discussion at its fifth session would focus. Consequently, he and Mr. Simma proposed that the general discussion scheduled under item 9 of the provisional agenda (E/C.12/1990/6) should be centred on the preliminary report (E/CN.4/Sub.2/1990/19) by Mr. Danilo Türk, Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, which focused on social and economic indicators and the role played by them in assesssing the realization of economic, social and cultural rights. That report was of even greater importance in the light of the publication, during the current year, of the report of the United Nations Development Programme (UNDP) on human development and of a report by the World Bank, which also dealt with the question of indicators. He thought that, taken as a whole, those sources of information would constitute a good basis for the Committee's general discussion and that, if it adopted a decision along those lines at its current meeting, there was reason to hope that representatives of some interested United Nations bodies might participate in the discussion.

16. Mr. FOFANA asked when the Committee would consider the revised draft general guidelines which Mr. Simma had been requested to prepare (E/1990/23, para. 289).

17. Mr. SIMMA said he had prepared the revised draft general guidelines on a diskette, which he had brought with him; he understood that the Secretariat would be able to have them printed from the diskette. He had also furnished the Secretariat with the necessary documentation for the preparation of the French version of the draft. He therefore hoped that the Committee would be able to adopt the final draft of the revised guidelines at its current session.

18. The CHAIRMAN, replying to the question put by Mr. Fofana, said that the consideration of the revised draft general guidelines had initially been scheduled for Monday, 10 December, under agenda item 6. At the request of Mr. Simma, he suggested, however, that the question should be examined on Tuesday, 11 December instead of item 9, the examination of which would be postponed to Monday, 10 December, so that the order established for the consideration of those two items in the draft programme of work (E/C.12/1990/L.3) would be reversed.

19. Mr. ALSTON considered that, in order to expedite the adoption of the revised draft general guidelines, it would be preferable not to set up a sessional working group. On the other hand, the Secretariat should be requested to circulate the English version of the text on the following day, if possible, and the other versions as they became available. Subsequently, members of the Committee who so wished would be able to communicate their observations either orally or in writing to Mr. Simma, who would then be in a position to prepare, in the light of those observations, possible proposals for amending the text. In that way, the Committee would have a solid working basis from the very beginning of the scheduled discussion on the revised draft guidelines.

20. The CHAIRMAN said that Mr. Alston's suggestion was a constructive proposal; its application would depend greatly on the speed with which the Secretariat was able to circulate the English version of the revised draft guidelines.

21. He recalled that on the following day (Tuesday, 27 November), the Committee would continue its examination of agenda item 4 and would in that context examine the questions on which the Secretary of the Committee would shortly provide detailed information. In the light of those clarifications and the amendments on which members had agreed, he would take it, if there was no objection, that the Committee adopted the draft programme of work for the fifth session.

22. It was so decided.

23. Mr. TIKHONOV (Secretary of the Committee) said that the first of the questions which still had to be considered under agenda item 4 was the reply of the Director of the Global Programme on AIDS of the World Health Organization to a letter from the Centre for Human Rights, transmitting the request for information from the Committee on Economic, Social and Cultural Rights. In that connection, he recalled that at its fourth session the Committee had requested the Secretary-General to invite WHO to submit to it, at each session, any written information it might have as to the existence of discriminatory practices in the case of persons suffering from AIDS or HIV-related infections. In his letter, the Director of the Global Programme on AIDS said that WHO did not have information of the kind which could be

included in a formal communication to the Committee. As it itself was not competent in the matter, that organization had pursued a policy of transmitting directly to the Centre for Human Rights any complaints alleging human rights violations affecting persons suffering from AIDS or HIV-related infections. WHO was, however, prepared to forward to the Committee any information it had on the public health aspects of HIV/AIDS and suggested that it should discuss with the Committee at its fifth session practical modalities for supplying such information.

24. The second question which still had to be considered under agenda item 4 was the letter addressed to the Under-Secretary-General for Human Rights by Mr. Badawi El Sheikh, Chairman of the Committee at its fourth session, indicating that at its fifth session the Committee would be in a position to comment on Commission on Human Rights resolution 1990/18 entitled "The right to development" and the global consultation on the right to development as a human right.

25. Thirdly, the Committee might examine a suggestion by Mr. Danilo Türk, who would be in Geneva on 5 and 6 December and proposed to hold on that occasion an informal discussion with the members of the Committee on the subject of his preliminary report. Lastly, he noted that the Secretariat had received a letter from the Argentine Government, following the examination of the report of Argentina by the Committee at its fourth session. The letter, a copy of which would be circulated to all members of the Committee, was addressed to the Chairman and to the Rapporteur. The latter would perhaps wish to provide relevant information in that regard to the Committee at its next meeting.

26. Mr. ALSTON thought that the letter from Mr. Badawi El Sheikh was merely a purely formal reply to a letter sent to the Chairmen of all committees concerned with human rights questions. Consequently, unless a specific proposal was made to discuss that question, the Committee was not obliged to do so.

27. That being said, he considered that there were basically two questions that remained to be examined under agenda item 4. The first arose from a decision taken by the Committee at its fourth session, namely, that, at its future sessions, one of its members should assume responsibility for briefing the Committee on all relevant current developments in the work of other organs and bodies and that the current Rapporteur would be entrusted with that task at the Committee's fifth session (E/1990/23, para. 298). In his capacity as Rapporteur, he was therefore prepared to submit to the Committee, at its next meeting, a statement on the current developments in question, on the basis of information furnished to him by the Secretariat and other information which he himself had. In his opinion, it was of the greatest important that the Committee members should be kept abreast of all new developments in the work of other international bodies that were relevant to their own work.

28. In his view, the second point to be dealt with on the following day under agenda item 4 should be - provided that the relevant document could be circulated in time - the letter from the Argentine Government which raised important procedural issues.

29. The CHAIRMAN, summing up the discussion, said that on the following day the Committee would therefore take up relevant current developments in the work of other international bodies, the letter from the Argentine Government and other questions mentioned by the Secretary of the Committee. It would also consider agenda item 5, entitled "Action by the Economic and Social Council at its first regular session of 1990; the General Assembly at its forty-fifth session; and the Commission on Human Rights at its forty-sixth session". On Wednesday, 28 November, it would begin its examination of the report of Jordan.

30. Mr. GLAIEL drew the Secretariat's attention to a mistake in the numbering of the paragraphs in the Arabic version of the Committee's report. As a result of that error, he found it difficult to follow the discussion in Arabic, his mother tongue, when a speaker referred to a paragraph in that report.

31. The CHAIRMAN said that it was entirely natural that Mr. Glaiel should wish to follow the discussion in Arabic and requested the Secretariat to take due note of Mr. Glaiel's comments.

The meeting rose at 4.20 p.m.

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COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Fifth session

SUMMARY RECORD OF THE 29th MEETING IN 1990

Held at the Palais des Nations, Geneva,
on Tuesday, 27 November 1990, at 10 a.m.

Chairman: Mr. KOUZNETSOV

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Organization of work (continued)

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GE.90-18554/2645B

The meeting was called to order at 10.30 a.m.

ORGANIZATION OF WORK (agenda item 4) (continued)

1. The CHAIRMAN said that, as agreed, the discussion under agenda item 4 would continue. Mr. Alston would inform the Committee about other human rights activities which were of interest to it and a letter from the Permanent Mission of Argentina concerning the Committee's consideration of a recent periodic report by that country would be discussed. He also wished to announce that the Government of the Syrian Arab Republic had on the previous day informed the Secretariat that it could not present its report at the current session of the Committee and had requested that its consideration should be postponed to the next session.

2. Mr. ALSTON said that he proposed to cover three general topics, namely developments in the human rights treaty bodies, specific developments in the field of economic rights and the question of using a range of economic and social indicators to assess progress in human rights.

3. Turning first to the report of the third meeting of persons chairing the human rights treaty bodies, held in October 1990 (A/45/636), he said that paragraph 51 was of relevance to the discussion which the Committee had held the previous day since it referred to the need to use all appropriate means to promote the submission of overdue reports from States parties. The Committee must explore new ways of attaining that end. The report also mentioned the importance of achieving universal ratification of human rights instruments. One significant recent development in that respect was that the United States, which had not previously ratified any of the human rights treaties entailing reporting obligations or any of the ILO human rights conventions, had decided to ratify the Convention against Torture. The report also referred to the need for increased Secretariat servicing; the fault lay mainly with the committees which had not yet requested certain forms of assistance - an act which would launch the process of allocating more resources to the Secretariat. The report further called for greater interaction among treaty bodies; for example, committees might assign individual members to follow the work of other committees and report back on relevant developments. If that proposal was adopted by the Committee on Economic, Social and Cultural Rights, the member appointed to follow developments in the Human Rights Committee might be invited to address that Committee on the work of his own Committee. Another suggestion was to hold joint sessions of the working groups of two or more committees, for example those of the Human Rights Committee, the Committee on Economic, Social and Cultural Rights and the Committee on the Rights of the Child which was to be elected in February 1991, since their respective mandates overlapped on issues affecting children. Otherwise, the Committee on the Rights of the Child might eventually come to be regarded as the only forum in which to discuss such subjects, whereas the Committee on Economic, Social and Cultural Rights might wish to retain a certain role relevant to its work while endeavouring to reach an agreement to avoid duplication.

4. Paragraph 61 of the report of the third meeting of chairpersons suggested that, as far as possible and appropriate, the supervision of new human rights treaty obligations should be entrusted to one or other of the existing treaty bodies. The Committee on Economic, Social and Cultural Rights was the most flexible treaty body in that it did not require additional protocols to be

added to its Covenant in order to assume new functions: it could do so simply at the request of the Economic and Social Council. The meeting of chairpersons had endorsed the forthcoming UNITAR manual on reporting. That was not an official document and would not supersede the Committee's own guidelines, but it would be of assistance to Governments in reporting. In addition, the meeting had endorsed the proposal to hold a world conference on human rights, probably in 1993, stressing that the conference should take full account of the work of the treaty bodies. There had also been some discussion of access by the treaty bodies to information from non-governmental organizations which could be of major importance. That attitude indicated the trend towards adopting a more sophisticated approach to such information - the treaty bodies should attempt to evaluate it and, when it was valid, make use of it in accordance with their procedures.

5. Turning to procedures and work in the treaty bodies, he said he understood from informal discussions that the Human Rights Committee was considering ways of reaching more specific conclusions in its consideration of reports from States parties. That might be done by producing a draft for evaluation of a report or by looking at reports over time to a greater extent, for example, by reviewing, in conjunction with a State party's third periodic report, all the issues which had been raised on its previous reports.

6. The report of the Committee against Torture (A/45/44, paras. 14-16) described the practice of that Committee with regard to consideration of reports from States parties to the Convention against Torture. The Chairman designated a country rapporteur for each of the reports to be considered at the Committee's next session, with responsibility for studying it, preparing a list of issues, acting as discussion leader when the report was taken up by the Committee and making concluding comments and recommendations.

7. In the case of the Committee on the Elimination of Discrimination against Women (CEDAW), a working group of five members met immediately prior to the session to discuss lists of issues. Although one particular member of the working group was responsible for preparing a draft, any member of the Committee might send suggestions over the year for incorporation in the list. CEDAW was also moving towards devoting half a day to a general discussion out of a total session of only two weeks. It had asked the Secretariat to extract, analyse and circulate prior to the session relevant material on topics to be dealt with during the general discussion. At its ninth session it had considered six draft recommendations, on the lines of general comments, of which it had adopted two.

8. The latest report of the Human Rights Committee contained two general comments which were important for the work of the Committee on Economic, Social and Cultural Rights. They concerned non-discrimination, which was of relevance to article 2 of the International Covenant on Economic, Social and Cultural Rights, and the role of the family as the natural and fundamental group unit of society, which was of relevance to article 10 of that Covenant. Since the report of the Human Rights Committee was not yet generally available, he asked the Secretariat to circulate to the Committee photocopies of the appropriate pages.

9. A new treaty body, the Committe on Migrant Workers, whose work would also be of relevance to the Committee on Economic, Social and Cultural Rights, would proably be set up by 1993.

10. The annual reports of the ILO Committee on Experts on the Application of Conventions and Recommendations, contained the equivalent of general comments. The relevant section in the most recent report (77 III (4A)) was devoted to the application of the Employment Policy, Convention (No. 122) - the ILO convention which was closest to the International Convenant on Economic, Social and Cultural Rights, in that it envisaged the progressive achievement of the full realization of rights. He again requested that the Secretariat should circulate photocopies of the relevant pages of the ILO report. It was also important to note the extent to which the ILO linked technical co-operation with human rights issues. It asked States parties to indicate, when reporting on their obligations, whether they required such co-operation. That option was also available to the Committee on Economic, Social and Cultural Rights. The Under-Secretary-General for Human Rights and United Nations policy organs often requested the views of treaty bodies as to the best way to use the United Nations advisory services programme. The Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held at Havana in August 1990, had adopted some measures of relevance to the Committee, namely guidelines for the prevention of juvenile delinquency; United Nations rules for the protection of juveniles deprived of their liberty (of interest for the Committee's mandate on child issues); non-custodial measures; basic principles on the use of force and firearms by law enforcement officials; and basic principles on the role of lawyers (of direct relevance to the provision of legal services for the poor).

11. Turning to specific developments in Europe in the field of economic rights, he said that responsibility for the European Social Charter, which was similar in scope to the International Covenant on Economic, Social and Cultural Rights, and which had been in operation since the early 1960s, had been transferred in 1990 from the Department of Social Development of the Council of Europe to the Council's Human Rights Division, a move which seemed to be an acknowledgement that to date the Charter had not made much impact on Governments. He had attended a meeting of experts to advise on strengthening procedures under the Charter. There was an independent committee which discussed issues, but subsequently everything was referred to an intergovernmental committee from which few specific recommendations emerged. The Committee on Economic, Social and Cultural Rights was regarded as a serious body which was developing effective procedures. The European Economic Community had also recently proclaimed the Community Charter of Fundamental Social Rights for Workers, which had so far been accepted by all its members with the exception of the United Kingdom. That Charter set various goals in general terms and left it to Governments to work out how they should be achieved in practice. It was possible to challenge Governments if they did not appear to be making progress. He suggested the Committee might adopt a similar policy. The text of the most recent declaration of the Conference on Security and Co-operation in Europe was not yet available, but according to press releases, it emphasized, as fundamental human rights, only civil and political rights, and made references to economic "liberty". There was a current trend to espouse free-market principles to such an extent that economic and social rights were not highly regarded even in theory. The United States, which had exercised considerable influence at the Conference, held the view that economic and social rights could have no legal existence.

12. Significant events involving other regions included the signing of the Fourth Lomé Convention between the countries of the European Community and 69 States in Africa, the Caribbean and the Pacific. The Convention, which

would apply for 10 years, contained an important new feature: the possibility of technical assistance being extended to signatory States for the promotion of human rights, particularly in the legislative sphere.

13. Another significant development was the adoption in 1989 by the Organization of American States of an additional protocol to the American Convention on Human Rights relating to economic, social and cultural rights. However, the monitoring arrangements were rather weak.

14. Moreover, in 1990 the Organization of African Unity had adopted an African Charter on the rights and welfare of the child.

15. He drew attention to a document submitted by the American Association of Jurists, a non-governmental organization, which he requested the Secretariat to circulate to members of the Committee. The document rightly pointed out that the procedure for examining human rights violations laid down in Economic and Social Council resolution 1503 (XLVIII) was not taken seriously enough and also suggested that Special Rapporteurs should be appointed to focus on specific economic, social and cultural rights. The Association believed that the Committee's work would be more effective if its general comment on reporting obligations were put into practice. It considered that non-governmental organizations should make a greater contribution in the field of economic, social and cultural rights and suggested that an optional protocol to the International Covenant on Economic, Social and Cultural Rights should be prepared, a possibility that had been considered by the Committee the previous year. His own belief was that a complaints mechanism was essential if the Covenant were to be taken seriously, and that it was possible to identify certain rights that were justiciable. He suggested that a discussion paper on the matter should be drawn up at some stage, if only for the Committee's internal use.

16. Human rights were at last becoming relevant in the development context, partly as a reaction to the laissez-faire approach advocated by Mrs. Thatcher and former President Reagan. That had had an impact in the area of civil and political rights, since a free-market economy could not exist without a degree of political and civil freedom. On the other hand, the assumption that the realization of economic and social rights would follow automatically had not been fulfilled, and those rights were again coming to the fore. Even the World Bank was once again talking about the importance of basic needs and the problem of poverty. With the evolving situation in Eastern Europe, the political debate had opened up. The assumption that the free market would ensure the economic, social and cultural rights formerly guaranteed by the State had given rise to a debate in Eastern Europe on the relationship between the two sets of rights - civil and political, and economic, social and cultural.

17. Those issues were elaborated upon in the World Development Report by the World Bank, which was available for consultation by members, and by the UNDP Human Development Report 1990, of which he would ask the Secretariat to circulate some 10 pages. The latter report mentioned the need to transcend economic assessments of well-being and to take account of a broader range of factors. It emphasized the importance of civil and political rights in the development process in an unprecedented manner and proposed to devise ways of evaluating the enjoyment of those rights in the future.

18. In September 1990 a World Summit for Children organized by UNICEF had endorsed the Convention on the Rights of the Child. There had been much discussion on the setting of specific national goals to meet the objectives of that instrument and of developing effective international monitoring arrangements, which was a matter now being discussed by many international organizations.

19. In March 1990 an inter-agency meeting on human rights issues had been organized by the Centre for Human Rights. A summary of the meeting's discussions was available. Participating agencies had included UNDP, UNHCR, which was now linking refugees and human rights, and WHO, which with the advent of AIDS was viewing human rights in relation to its programmes, whereas in the past it had assumed that discussion of human rights would politicize its work.

20. The representative of the United Nations Department of Technical Co-operation for Development, which dealt with economic and social planning, public administration and social development, had said that his Department was action-oriented, implying that human rights were not relevant to its activities. That seemed to encapsulate the United Nations attitude to human rights and development issues over the past decade.

21. A World Conference on Education for All had recently been held by UNESCO at Jomtien, Thailand. Perhaps Mr. Neneman or the UNESCO representative could give details of the declaration and programme of action adopted by that Conference, since that material was not available to the Secretariat.

22. The CHAIRMAN said that the report of the third meeting of persons chairing human rights treaty bodies (A/45/636) would be circulated in English to the members of the Committee. Other language versions would be distributed as soon as they were received.

23. He called for comments on Mr. Alston's oral report and asked members to provide any additional information that they might have.

24. Mr. SPARSIS thanked Mr. Alston for the information he had provided. However, he asked whether in future such information could be circulated in advance of the Committee's meetings.

25. Human rights in the economic, social and cultural fields were going through a critical period. Economic ideas with a direct bearing on the labour market and an even more direct relevance for economic, social and cultural rights had been evolving over the past 10 years. For instance, the ILO was talking about the so-called "flexibility of the labour market" and the idea of privatizing services formerly provided by the public sector. Although it had not been proved that turning a public monopoly into a private one made for greater efficiency or economy, it had been seen that people directly affected by those two ideas might lose their social and economic rights because they ran the risk of losing their jobs and had little protection or possibility of alternative employment. Despite the Community Charter of Fundamental Social Rights for Workers, both the left and right wings of the international labour movement were very wary of those ideas and the International Confederation of Free Trade Unions and the World Federation of Trade Unions were joining forces to devise ways of protecting the social, economic and cultural rights of those who might be affected by the changes.

26. He agreed with Mr. Alston that it was essential to devise a proper follow-up and complaints mechanism to give effect to the Covenant.

27. Mr. SIMMA thanked Mr. Alston for his excellent report. It would indeed be useful to have the information at an earlier stage, but he did not believe that that was feasible in view of the work involved.

28. In connection with the third meeting of persons chairing the human rights treaty bodies, Mr. Alston had referred to the common complaint of inadequate Secretariat servicing. In that connection, he recalled the Committee's request, acceded to by Mr. Martenson, for a small documentation centre which had, however, still not materialized.

29. The holding of joint sessions of working groups of the various treaty bodies, an idea which he supported, would be especially useful on the issue of non-discrimination under the various conventions.

30. With respect to the UNITAR manual on reporting, he recalled that he had devoted much time to revising the Committee's guidelines in 1989 and 1990 and regretted that there had been no co-ordination of activities.

31. With respect to the proposed world conference on human rights, he proposed that the treaty bodies should put forward suggestions as to the matters to be included in the agenda of that Conference, and that the Committee should address itself to that question at its current session.

32. Although the large number of ratifications of the Convention on the Rights of the Child achieved in a short space of time was gratifying, he feared that the rapid rate of accession might mean that States parties had not given due consideration to their comprehensive obligations under the new instrument.

33. He agreed that the Committee should look into the possibility of drafting an optional protocol to the Covenant incorporating a complaints procedure. The instrument should be on the lines of the Optional Protocol to the International Covenant on Civil and Political Rights.

34. Concerning development and human rights in Eastern Europe, he had requested the Secretariat to circulate an article by John Kenneth Galbraith in which it was argued that the economic system that had proved most attractive was not unbridled capitalism but, rather, social democracy and the welfare State.

35. He had recently briefed a group of representatives attending the United Nations General Assembly on the Committee's current work and future plans. A number of Western European Governments had expressed concern about the quality of Secretariat servicing being given to the Committee. Some Governments had suggested that, with the debate on the right to development at an impasse, the Committee could help to break the deadlock by looking into such issues more closely.

36. Mr. TEXIER said the report given by Mr. Alston showed that there were advantages and disadvantages in the proliferation of human rights instruments. Among the advantages were the fact that such instruments were delineating human rights with greater precision. The disadvantages included

the danger of overlapping in the work of existing committees. That situation obliged everyone involved, members of the committees as well as the Secretariat, to strive for improved co-ordination.

37. He endorsed many of the suggestions made at the third meeting of persons chairing the human rights treaty bodies, including the idea that joint meetings of members of such bodies should be held and that members of each body should be delegated to follow closely, through informal contacts, the work of others. He also agreed that monitoring work under new conventions could be entrusted to existing bodies in order to ensure better co-ordination.

38. He supported the proposal to elaborate an Optional Protocol to the Covenant and believed that time should be set aside during the current session for an in-depth discussion on that question. The discussion could begin with a consideration of what rights were amenable to sanctions if violated, and of the means by which individuals could bring allegations of violations before the Committee. He would be willing to participate in a working group on such issues.

39. Mr. NENEMAN said that Mr. Alston's report had the merit of opening the discussion to broader areas of the United Nations system and to recent political events.

40. While it was true that the rush to ratify the Convention on the Rights of the Child might suggest a failure to take the issues seriously, it should also be recalled that the Convention had undergone a lengthy and arduous preparation process. Countries had had ample opportunity to submit their comments and objections, with the result that the text represented a broad consensus. He agreed with Mr. Alston that its subject-matter correlated closely with the Committee's work. The Committee should ensure full co-ordination with the body set up under the Convention in order to avoid duplication of efforts. The Convention was likely to receive wider publicity than had the Covenant and would focus attention on issues with which the Committee was concerned. He had submitted a proposal to UNESCO for the preparation of a standard textbook on children's rights, to be used the world over. It would serve to introduce children to the topic of human rights at an early stage.

41. Regarding development and human rights in Eastern Europe, he said it was disturbing to note that the economic model which those countries appeared to have chosen was the unbridled free market, and that they appeared to wish to pattern their development after rapidly growing Asian economies. Such an approach might result in an emphasis on economic development at the expense of human rights.

42. The World Conference on Education for All had dealt with a problem - illiteracy - that affected the right to education of 1 billion individuals throughout the world. It was interesting to note that it had been organized by UNESCO and UNICEF, but also by funding agencies such as the World Bank and UNDP, which had thereby acknowledged the importance for development of the struggle against illiteracy. In the dialogue with individual countries to take place during the session, it might be useful to inquire how they intended to implement the declaration adopted at the Conference.

43. Mrs. JIMENEZ BUTRAGUEÑO said she agreed with Mr. Alston about the need for co-ordination among human rights treaty bodies and for an optional protocol to the Covenant. The Committee needed to pay more attention, in its questioning of countries, to the treatment given to the aging. There was a high concentration of elderly people in many countries, especially in Europe. The topic should also be given greater prominence in the guidelines being drafted by Mr. Simma.

44. Mr. RATTRAY said that, while one way of avoiding overlapping would be to increase the interaction among human rights treaty bodies, he could foresee a need for the creation of a human rights assembly that would devote all its efforts, at a high political level, to decisions on human rights issues. Although the Economic and Social Council currently dealt with such issues, it had many other preoccupations as well. Another way of ensuring that economic, social and cultural rights were more effectively implemented would be to institute a human rights impact statement in development activities, just as an environmental impact statement was now required for action in the industrial field.

45. The Committee had already discussed the impact of the debt crisis on the ability of States to ensure economic, social and cultural rights for their citizens. He would suggest that the time had now come for the Committee to take a bold stand and raise the issue with the relevant development agencies.

46. Mr. ALSTON, responding to a point raised by Mr. Sparsis, said that it would certainly be useful to circulate the documentation referred to in his oral report, but that it was indispensable to present that documentation in context, which had been the purpose of his report.

47. He intended to conduct informal consultations with other members of the Committee on the question of an optional protocol. He would propose that, at the end of the current session, a small working group should be established to prepare an informal discussion paper for the next session, outlining the issues involved.

48. Mr. ALSTON, referring to a letter dated 4 May 1990 from the Permanent Mission of Argentina to the Chairman of the Committee concerning the Committee's concluding observations on Argentina's initial report on articles 13-15 of the Covenant (E/1990/23, para. 254), suggested that a member of the Committee should be requested to draft a formal reply which would be considered by the Committee and included in its report.

49. While the draft should express regret for any misunderstanding that might have occurred, the Argentine Government seemed to be under the impression that the dialogue could either continue indefinitely or that it had the last word, i.e., that after the Committee had made its concluding observations and indicated that it was not content, the Government could still make a further statement. That was not possible, since there always had to be a cut-off point, and it was appropriate for the Committee to have the final word.

50. With regard to the observation that "the information given in reply to the questions concerning the distribution of national income, the situation of the 12 million Argentines living below the poverty level and the employment opportunities for university graduates were not felt to have been entirely adequate", the Government had had an opportunity to make an appropriate

statement. He personally did not think that there was anything to be gained by repeating what had taken place. It should be emphasized that Committee members had always endeavoured to ensure that appropriate procedures were followed and wished to indicate their regret if the Government felt that that had not been the case in respect of the situation of the indigenous minorities.

51. The Committee's letter should warmly welcome the offer made by the Government to transmit to the Committee its response to all the concerns expressed and state that it looked forward to receiving that response, which would contribute significantly to furthering the process of constructive dialogue between the Committee and Argentina.

52. The CHAIRMAN said that Mr. Alston might be requested to draft a note along those lines.

53. Mr. WIMER ZAMBRANO thought that the suggestions made by Mr. Alston would be appropriate to deal with the problem, leaving the question of substance and examination of the Committee's responsibility and methods of work for consideration at a subsequent time.

54. Mr. SIMMA said that he supported the proposal made by Mr. Alston but thought that consultations should be held concerning the precise wording of the reply.

55. He saw two problems with regard to the statement by the Argentine Government that the procedure adopted had ignored the principle of equality of opportunity which must necessarily be observed by all supervisory bodies, bearing in mind the eminently legal character of their tasks, with the aggravating circumstance that in the present case the rights of the State party had been ignored.

56. The view of the Committee's function taken by the Argentine Government differed substantially from his own. The discussion in the Committee the previous day had indicated clearly that Governments concerned could, if they wished to do so, be present during the consideration of their reports. It was essential to clarify the question whether the Committee was some kind of supervisory body with an eminently legal function or a body engaged in a constructive dialogue.

57. The Argentine Government maintained that it was unfair for the Committee not to express misgivings while the Government delegation was present and then for it to make critical remarks in the final phase. However, where the Government delegation was obviously unable or unwilling to discuss certain questions, the Committee was entitled to take up the matter in the final phase and to be frank about it.

58. Mr. MARCHAN ROMERO said that he supported Mr. Alston's proposal, which contained positive elements.

59. The Government of Argentina seemed to be complaining about the fact that it had not been invited to appear during the final stages of the Committee's consideration of its report. That was a valid point, which should be taken into account, but at the same time the Committee should be careful to preserve

its independence. In considering the reports of States parties, it should if necessary be able to obtain further information from specialized agencies and non-governmental organizations.

60. Mr. TEXIER said that the discussion raised fundamental questions concerning the Committee's methods of work and the role of non-governmental organizations. It was true that a non-governmental organization had provided members with additional information following the withdrawal of the Argentine delegation. Clearly the main source of information concerning the situation in a country was the Government itself, but that should not prevent the Committee from making use of other reliable sources, such as specialized agencies and non-governmental organizations. It was necessary to reaffirm that principle, to which all members attached great importance.

61. However, it was also essential that the Government concerned should have an opportunity to respond to allegations made, which had not occurred in the case under consideration. The Committee should ensure that everyone was given an opportunity to reply.

62. The Committee could state in its letter that its criticism was based on information which it had not had during the appearance of the State party's representative, but it should reaffirm the principle of not depriving itself of any information from reliable sources.

63. Mr. KONATE said that he found the letter by Argentina to be unacceptable and inappropriate. He believed that the experts should be careful to preserve their independence and should be able to base their observations on information they received from any reliable source. Criticism by Governments should be concerned solely with procedural shortcomings. Even the terms used by Argentina could be regarded as unacceptable. The Committee should be firm in its relationship with Governments.

64. Argentina had had an opportunity to respond and had not accepted the presence of non-governmental organizations in the room. The Committee should react vigorously and not accept such intimidation by the Argentine Government. It should maintain its methods of work and preserve its sources of information.

65. Mr. ALSTON said, with regard to the remarks made by Mr. Konate, that the Committee would not yield its right to determine its procedures in response to criticism by any Government. The letter to be sent to the Government of Argentina should be designed to protect that prerogative while seeking to continue the dialogue with that Government.

66. The CHAIRMAN said that, if there was no objection, he would take it that the Committee agreed to entrust Mr. Alston with the task of drafting a letter along the lines suggested.

67. It was so decided.

The meeting rose at 1.10 p.m.

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COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Fifth session

SUMMARY RECORD OF THE 30th MEETING IN 1990

Held at the Palais des Nations, Geneva,
on Wednesday, 28 November 1990, at 10 a.m.

Chairman: Mr. KOUZNETSOV

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(a) Reports submitted by States Parties in accordance with articles 16 and 17 of the Covenant

Jordan

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The meeting was called to order at 10.20 a.m.

ORGANIZATION OF WORK (agenda item 4) (continued)

1. Mr. SPARSIS, recalling that the Committee had appointed a pre-sessional working group composed of five members of the Committee on Economic, Social and Cultural Rights, said that the group had met in October 1990 and had, inter alia, drawn up a list of issues which could most usefully be discussed with the representatives of reporting States parties at the current session. The list had been sent to States parties some five weeks earlier. The group would welcome any comments on the list of issues.

2. Mr. ALSTON said that he hoped that all States parties would study the Committee's reports carefully, because they would then be conversant with its methods of work. Nevertheless, it might be useful to draw the attention of States parties, both on arrival, in the Committee room and at the time when the list of issues was transmitted to them, to the overview of the present working methods of the Committee contained in its report and which he, as Rapporteur, proposed to update each year so that there could be no mistake on the part of any State party as to the way in which the Committee worked. Every State party would be aware that the pre-sessional working group met well in advance of the Committee's meeting, that a list of issues would be forwarded to them, and that they would be expected to answer those questions.

3. The CHAIRMAN announced that the secretariat had been informed that the Government of the Islamic Republic of Iran would be able to submit its report on the rights covered by articles 13 to 15 of the Covenant for the Committee's consideration on 6 December 1990. On behalf of the Committee, he expressed appreciation of the co-operation thus demonstrated by that Government.

CONSIDERATION OF REPORTS (agenda item 7)

(a) REPORTS SUBMITTED BY STATES PARTIES IN ACCORDANCE WITH ARTICLES 16 AND 17 OF THE COVENANT

Jordan (E/1982/3/Add.38/Rev.1)

4. At the invitation of the Chairman, Mr. Sharaf and Mr. Matalgah (Jordan) took places at the Committee table.

5. Mr. SHARAF (Jordan), introducing the initial report of Jordan concerning rights covered by articles 13 to 15 of the Covenant, said that his Government had always been interested in the implementation of the noble principles contained in that instrument. He apologized for the delay in considering his country's report, which was due to reasons unrelated to Jordan's concern about the essential rights of its citizens.

6. Among the important events that had occurred since January 1990, he drew attention to the parliamentary elections which had been held in Jordan in November 1990 and which testified to the existence of freedom and the exercise of political rights. Major governmental procedures had been brought into effect to ensure the enjoyment of economic, social and cultural rights as well as political rights.

7. Education had always been at the centre of his Government's concerns and considerable progress had been made in the past 20 years in his country. In that connection, he drew attention to the growing number of universities in Jordan.

8. Jordan was proud of the success achieved in implementing the articles of the Covenant; however, the situation in the country had been seriously affected by the events in the Gulf. In that regard, he said that a recent report by the Secretary-General to the Security Council (S/21938) clearly illustrated the enormous economic losses suffered by Jordan. For example, the report stated that thousands of Jordanian citizens had lost their jobs and returned to the country in the worst possible conditions.

9. As he had only received the list of issues that morning, it might be difficult for him to reply to them and he therefore requested the Committee to allow his delegation to reply to them in writing. He stressed that his Government was fully prepared to co-operate with the Committee and to do everything possible to ensure the successful implementation of the principles established in the Covenant.

10. Mr. SIMMA expressed concern that the list of issues had only just reached the Jordanian delegation and said that an effort should be made to determine the reason for that situation.

11. With regard to the plans to establish a private university in Jordan which was to have opened in September 1990 and to offer a Bachelor's degree to about 2,000 students, he would like to know whether the university had been established and whether it had been affected by the events in the Gulf.

12. With respect to article 13, paragraph 2 of the Covenant, he said that according to his information, 10,395 places were available in universities for the academic year 1990-1991 in Jordan and that, according to the Ministry of Education, 13 per cent of those places were for students from Arab countries, including Palestine, and other countries, 20 per cent were reserved for children of Jordanian citizens resident in third countries, and no less than 30 per cent were for members of the armed forces, security forces and their relatives. That meant that out of 10,395 places, only 3,978 would be distributed according to the criterion of capacity mentioned in article 13 of the Covenant. He would like to have some information from the delegation on that situation.

13. He noted that the Palestinian Open University had been established in 1986 in Amman to provide Palestinian students with courses in Palestinian culture, which they could not obtain in higher educational institutions under Israeli control. Observing that King Hussein had severed legal and administrative links with the West Bank in 1988, he asked whether that meant that students from the West Bank no longer had an opportunity to study in Jordanian universities. He would like to know whether they now had to compete with applicants from other Arab countries on an equal basis. Lastly, he asked whether the recommendation made in March 1990 by the Jordanian House of Representatives' Committee on Palestine and the Occupied Arab Territories that students from the Gaza Strip should receive education at all levels in Jordan had been implemented.

14. Mr. KONATE thought it strange that the representative of Jordan had not refered to recent events in the Gulf in connection with his country's implementation of the Convention. He would like to know whether the Jordanian delegation could provide some information in that regard, since that situation prevented its country from achieving certain specific objectives.

15. Secondly, he referred to the equality of access to education with regard to Palestinians and Jordanians and asked whether the Palestinians had been integrated in the educational system.

16. Mr. ALSTON said that the Committee would seek clarification from the secretariat as to whether the list of issues had indeed been dispatched. It would be useful if the representative of Jordan would also make further inquiries to make sure that it had not been received. In his view, duly considered responses to the list of issues constituted an indispensable basis for dialogue. He hoped that the Committee would very shortly receive written answers to the list of issues. It would also be helpful to have more information about the effect on Jordan of the Gulf crisis, since it was critical to examine issues in that context. He would like the United Nations report on the subject (S/21938), to which the representative of Jordan had referred, to be made available to the Committee.

17. Turning to the report itself, he said that all available United Nations statistical information rated Jordan very highly on education by every indicator. The report had not taken full advantage of the country's excellent showing; it should have provided more details about the difficulties which nevertheless must inevitably exist and on which the Covenant laid special emphasis. Every country had disadvantaged or marginalized groups which did not enjoy the national average level of education. He would like to have some specific information as to which groups the Jordanian Government itself considered to be most disadvantaged in the educational field.

18. Mr. MRATCHKOV, referring to paragraph 3 of the report, asked for more information about the percentage of pupils who went on to secondary education or to vocational training after completing the primary stage. He noted, from paragraph 40, that there had been a decline in the number of Jordanians receiving higher education outside Jordan. He inquired whether correspondingly more students were now studying inside Jordan. He asked whether the Royal Scientific Society, described in paragraph 48, was a State foundation.

19. Mr. MUTERAHEJURU asked the representative of Jordan whether he thought that the recently held parliamentary elections, to which he had referred in his opening remarks, would have a specific impact on the educational system. He noted, from the concluding sentence of paragraph 42 of the report, that there appeared to be a considerable number of conditions laid down for admission to Jordan's universities, in addition to those mentioned in the text. He asked how far such supplementary conditions limited access to higher education.

20. Mr. NENEMAN said that he hoped it would be noted for future reference that written answers to the list of issues provided subsequently could not be an adequate substitute for the immediate availability of such answers at the time when the delegation of the country concerned attended the meeting of the Committee to present its report.

21. Turning to specific questions on the report, he observed that statistical information had to be properly presented in order to be intelligible: for example, in paragraph 6, the number of students enrolled at schools was interesting only in relation to the total number of children of school age. If primary education was compulsory, it was essential to know what percentage of that population remained uncovered. He further inquired how many children of school age were illiterate. He noted that Jordan had made great efforts in respect of secondary education. He inquired whether it was easy to obtain scholarships for secondary education, on what criteria such scholarships were given and what percentage of students received them. He further inquired whether university education was free of charge. He noted that the publication of books was subsidized by the Ministry of Culture; he inquired what criteria were applied to the selection of such books. Finally, he would like to know whether any television material was locally produced or whether it was all imported and what role satellite and cable television played in Jordan. Was anything being done to protect local culture from being overwhelmed by television transmissions?

22. Mr. GLAIEL noted that some members had asked the representative of Jordan to give the Committee his views on the impact of the Gulf crisis on the application of the Covenant. He did not consider the question appropriate in relation to the period covered by the report, which antedated the crisis. Furthermore, it was clearly impossible to form an estimate of the future impact of the crisis since it was constantly evolving. The representative of Jordan should not be asked to do more than respond satisfactorily to oral questions from members of the Committee.

23. Mr. RATTRAY said he had been impressed by the remarks of the representative of Jordan about the development of university education in recent years. He wondered, however, what impact the education plan had had on the legacy of the past in terms of adult illiteracy. He noted from paragraph 14 of the report that the expansion of educational facilities to include adults had been prevented by lack of financial resources. He would like to have some statistics about the percentage of illiterates in the various age groups. He would also like some information about the participatory approach to education: were student councils and parent/teacher associations involved in decision-making on curricula and other educational activities? He also wondered how the educational system addressed the problem of refugees; for example, how many refugees were receiving education as compared with the total refugee population? The statistics in paragraph 5 of the report revealed a familiar situation, namely the disparity between the number of men and women teachers. He wondered whether that was caused by the low rate of remuneration in the profession and he inquired what was being done to make teaching more attractive so that the goals set out in the Covenant could be achieved. Paragraph 36 referred to cultural centres which appeared to be exclusively privately owned. He asked whether none of them were in fact publicly funded.

24. Mrs. JIMENEZ BUTRAGUEÑO asked for clarifications of paragraph 20 of the report, which quoted article 3 (c) (i) of the provisional Act No. 27 of 1988, which read: "They are distinguished by the extent of their devotion and attachment to their society". She was somewhat puzzled by that sentence since young people in all countries did not always endorse traditional values.

25. With respect to paragraph 25 of the report, she wished to know which special subjects enabled the holders of diplomas to have the title of medical doctor.

26. Turning to paragraph 38 of the report, she asked what professional openings were available to those who studied Islamic law and whether that subject could be covered in only three years.

27. She also wished to know which groups in Jordanian society had been most affected by the events in the Gulf.

28. Ms. TAYA thought that the report of Jordan concentrated too much on higher education and the protection of parents. The Committee was more concerned with statistics on primary and secondary education. She asked what was the illiteracy rate in Jordan and what was the enrolment rate in compulsory education, with a breakdown by year, sex, region and so on.

29. She also wished to know the background to the quantitative and qualitative improvement in education mentioned in paragraph 5 of the report, the effect of the Gulf crisis and what kind of international co-operation the Government of Jordan needed most in order to cope with that crisis.

30. Mr. WIMER ZAMBRANO, referring to paragraph 21 of the report, asked whether the school textbooks mentioned as being distributed free of charge or at cost price referred to all textbooks or only to specific kinds.

31. His impression was that the cultural centres mentioned in paragraph 36 of the report were more like academies where formal education was dispensed. He wished to know whether, apart from those centres, there were places where Jordanians could meet for talks or entertainment.

32. Mr. MARCHAN ROMERO said that he too regretted that the list of questions had been received so late by the Jordanian mission. He pointed out that the question mechanism was not an internal procedure of the Committee but had been adopted by the Economic and Social Council in a resolution. It was intended to facilitate a constructive dialogue between the members of the Committee and States.

33. He appreciated the presence of the Jordanian representative and looked forward to meeting the representatives of Jordan on another occasion when the replies to the questions put by members of the Committee would be available.

34. At the request of the CHAIRMAN, Mrs. KLEIN (Representative of the Secretary-General) explained that the list of issues elaborated by the pre-sessional working group which had met from 8 to 12 October 1990 had had to be translated into the various languages. It had then been sent immediately to the permanent missions of all the countries whose reports were scheduled for consideration at the current session, together with a letter from the Chairman/Rapporteur of the pre-sessional working group. The list has been sent to the Permanent Missions of Ecuador, Costa Rica and the Dominican Republic on 29 October 1990, to those of Afghanistan and the Syrian Arab Republic on 30 October 1990 and to those of Jordan, Panama, Yemen and the Democratic People's Republic of Korea on 31 October 1990.

35. A list of questions had been sent to the Islamic Republic of Iran and Luxembourg, whose reports had been scheduled for consideration at the Committee's fourth session, on 15 January 1990.

36. Mr. SIMMA thanked the representative of the Secretary-General for her reply and noted that the questions had been sent to the Permanent Mission of Jordan some four weeks before the present session of the Committee.

37. Mr. SHARAF (Jordan) said that he would do his best to answer the questions put by the members of the Committee.

38. He thanked the representative of the Secretary-General for her explanation concerning the list of issues. His Government would have been only too pleased to answer the list of issues on time had it been received, but he had obtained a copy from the interpreters only that morning.

39. As to whether the University of Amman was continuing its work as a result of the Gulf crisis, there had been no special ill-effects on the University's work but there was great concern because of the 100,000 Jordanians who had returned home as a result of the crisis and needed to find school places for their children.

40. He believed that the question about limitations on categories of students in higher education might have been caused by a translation problem. In fact, there were no such limitations and the system was an open one. The members of the armed forces concerned were service veterans on scholarships from the Ministry of Finance or a pension fund, and they had to attain the same grades as other students.

41. As to the question on the Palestinians, there was no distinction between Jordanians of Palestinian or Jordanian origin. All received the same education. However, since 1948 UNRWA, which was in charge of Palestinian camps in Jordan and elsewhere, had been successfully running schools, at which Palestinians on the East Bank could receive education free of charge. That, however, was a special case. Most of the students involved were now free to choose the school which they wished to attend.

42. As to students from Gaza, he recalled that in 1967 Jordan had opened its borders to Palestinian refugees from Gaza, who were not Jordanians in the eyes of the Constitution and the law, and had been in a difficult position since they had formerly come under Egyptian jurisdiction. After 1967, some people from Gaza had moved to Jordan and acquired Jordanian nationality and special passports. However, the question of origin had never been raised in Jordanian schools and no distinction was made.

43. As to the effects of the Gulf crisis, he would hand over to the Chairman a copy of the report on the mission by Mr. Jean Ripert, Special Representative of the Secretary-General, to assess the problems resulting from measures that Jordan had undertaken to comply with Security Council resolution 661 (1990) (document S/21938 of 13 November 1990). The document contained many statistics and would be useful to the Committee as background material.

44. As to the problems of education, when Jordan was united with the West Bank, the educational system implanted in the colonial period had been extended. Help had been received from industrialized countries to extend the educational system, especially to girls, and between 1950 and 1975 a balance between the numbers of male and female students had been attained. Women were now active in many spheres of life and the change had thus been cultural as well as educational.

45. The shortcomings of the educational system in his country were due mainly to the shortage of financial resources. Some schools were housed in rented accommodation, land was expensive and there were not enough recreational facilities or sports stadia. The IBRD had negotiated a loan to finance school buildings and one magnificent school had been built on a mountaintop in the desert, attracting tribesmen to the area. Electricity and water were now laid on in an area that had previously been desert.

46. Another problem was the low salaries paid to teachers; that meant that highly qualified people were not attracted to the profession. However, considerable assistance in establishing libraries and laboratories had been received from major European countries and the United States of America; the Federal Republic of Germany had helped in many fields.

47. He would like a clearer definition of the group referred to as "disadvantaged" by one member of the Committee.

48. Another member had asked why the number of Jordanian students studying abroad had decreased. Happily, there were now enough universities in Jordan to enable students to remain in the country. The cost of foreign education was extremely high, and differences in culture and religious observance often discouraged parents from sending their children, especially their daughters, to study abroad.

49. In reply to the question of why he had referred to the impact of elections on education, he said that they were an indicator of political maturity and democracy. The freer the society, the more likely funds were to be allocated to its citizens' priorities, including education. The educational system would accordingly be better able to respond to the needs of citizens.

50. He was not in possession of statistics on the percentage of students within the total population, but would provide them at the next meeting.

51. A question had been asked about State subsidies for book publication. Jordan imported books from other countries of the region, but Jordanian writers wanted their works to be published in their own country. Books were chosen for publication by a committee whose members volunteered for the task and competitions were held to aid in the selection of works. He had not seen any evidence of government influence or propaganda in the books published under the programme. Books were also submitted for publication by university professors and through the Ministry of Education.

52. Jordan was a multicultural and open society with a sophisticated television-viewing audience. It had no cause to fear the effect of television programmes from Eastern, Western, Arabic or non-Arabic countries on its population. Television was being used in education, although in his opinion

more intensive efforts could be made in that area. The United Nations, particularly UNESCO, had aided his country in developing expertise in the area of communications. Cable television was not available in Jordan, but satellite links enabled citizens to view events broadcast from all parts of the world.

53. The report had mentioned the Ministry of Education's programme on adult literacy, but there was another programme geared specifically to women. It was particularly successful in villages and towns, where women were reluctant to take instruction in the presence of members of the opposite sex. There was virtually no illiteracy problem among the male population.

54. In response to the question about diplomas, he said that after four years of university education, a student received the degree of bachelor of arts or bachelor of science, which was accepted throughout the world. After two more years of study, he would acquire one or two additional degrees, which gave him the equivalent of a master's degree. A degree in Islamic studies could be translated into a teaching post in the theological schools or into a judgeship in the civil or family courts.

55. Finally, textbooks were provided free of charge to students at the beginning of the school year and returned at the end of that year. When books showed signs of wear, the Government replaced them.

56. Mr. GLAIEL noted that the 40-year-long Israeli occupation of Palestine affected the rights of citizens of a number of countries, including Jordan: that must be kept in mind when discussing the educational system in that country.

57. It would be useful for the Jordanian representative to specify how many courses, at the elementary and secondary educational levels, were given in foreign languages, including English.

58. Mr. WIMER ZAMBRANO requested more information on who was responsible for selecting textbooks and for deciding which books to subsidize, and on the criteria applied.

59. Mr. MUTERAHEJURU, referring to paragraph 42 of the report, said he would welcome an elaboration of the legislative provisions it cited, specifically the "conditions" for admission of students to universities described in paragraph 2 (b) and (c) of the Higher Educational Council Act. He would also appreciate clarification of the reference to "other conditions of admission" in the final sentence of paragraph 42.

60. Mr. SIMMA said he, too, would welcome further information on the criteria for admission to universities. He would appreciate an explanation of how the number of university places was determined by the Ministry of Higher Education. Noting that the readiness of citizens of Western countries to participate in cultural events had been affected by criticism of those events by Islamic fundamentalists, he asked what was being done in Jordan to defend the educational system against attacks from fundamentalist circles.

The meeting rose at 1 p.m.